

SEP 28 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

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MARLON BRAMWELL,  
Plaintiff,

v.

FEDERAL PRISON INDUSTRIES,  
Defendant.

Civil Action No. 7:05CV00460

MEMORANDUM OPINION

By: Hon. Glen E. Conrad  
United States District Judge

Marlon Bramwell, a federal inmate proceeding pro se, filed this action as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. In his petition, Bramwell alleged that while he was incarcerated at the United States Penitentiary in Lee County, Virginia, the defendant unlawfully revoked his longevity credits for past prison employment as a result of his disciplinary transfer. Because Bramwell's petition did not challenge the length or calculation of his sentence, the court determined that the action was more appropriately construed as one under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). The court ultimately dismissed the action pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff has now filed a motion for reconsideration. For the reasons that follow, the plaintiff's motion will be denied.

Bramwell's primary argument is that the defendant violated his right to due process by revoking his longevity credits. However, inmates do not have a constitutional right to work while they are incarcerated. See O'Bar v. Pinion, 953 F.2d 74, 85-86 (4<sup>th</sup> Cir. 1991); Baumann v. Arizona Dep't of Corrections, 754 F.2d 841, 845 (9<sup>th</sup> Cir. 1985); Garza v. Miller, 688 F.2d 480, 485 (7<sup>th</sup> Cir. 1982). Therefore, Bramwell does not have a protected interest in retaining his longevity credits. While Bramwell argues that the defendant's "failure to comply with [its] own

regulations can constitute [a] violation of due process of law," Bramwell has identified no regulation which might be read to create a protected interest in retaining longevity credits.

For the reasons stated, Bramwell's motion for reconsideration is denied. The Clerk is directed to send a certified copies of this opinion and the accompanying order to the plaintiff and counsel of record for the defendants.

ENTER: This 28<sup>th</sup> day of September, 2005.



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United States District Judge